



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
STATE HOUSE STATION 135  
STATE OFFICE BUILDING  
AUGUSTA, ME 04333**

**September 23<sup>rd</sup>, 1994**

Minutes of the September 23<sup>rd</sup>, 1994 meeting of the Commission held in Room 109 of the State Office Building, Augusta

Present: Chairman Robert P. McArthur; Members Virginia Chamberlin, Nelson Madore, Richard Morton, Patricia Riley, and Peter Webster; Deputy Attorney General Cabanne Howard

Absent: Members Robert Tierney, Richard Trafton, and Paul Violette

Mr. McArthur called the meeting to order at 2:35 p.m. First, the Chair reported on the progress of the subcommittee and advised members they would soon be asked to suggest topics for the subcommittee's review.

Next, the Commission voted unanimously to accent the minutes of the May 16<sup>th</sup>, 1994 meeting as written.

The following matters were considered out of order of their appearance on the agenda:

The first item was the late report of Equal Protection Maine PAC (EPMPAC). Mr. Alan Stearns was present and represented EPMPAC. He explained that the Committee was reorganizing and consolidating its bank accounts in order to avoid further late filings. On that basis, and on the findings presented, Mr. Morton moved, and Mr. Madore seconded, to assess EPMPAC a penalty of \$200. The motion carried.

Next, the Commission considered the late primary election reports of candidate George Lawson. Mr. Lawson was present and represented himself. He said that he had relied on his treasurer to file the reports; that when he learned the treasurer had failed to submit them, he sent the reports forthwith. On the basis of staff findings showing that Mr. Lawson collected/spent no money during the periods covered by the reports, Mr. Webster moved, Mr. Madore seconded, and it was voted to assess no penalty. At that point, Ms. Canavan stated, for the record, that the \$50 fee assessed Mr. Lawson in May for his late registration still stands and that payment of the fee is still outstanding.

The next item considered was the late lobbyist disclosure report of Maine Education Association (MEA). Ms. Hilda Jones was present and represented the PAC. She stated that MEA's lobbyist

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

was on vacation during the month of July; that the responsibility for submitting the report had thus fallen to her; and that she was unable to fulfill that obligation because she was at home with a back injury. On that basis, Mr. Webster moved, and Mr. Madore seconded, to accept the staff recommendation calling for a waiver of the penalty. The motion carried.

Next, the Commission considered the late 48-hour report of candidate Mary Adams. Mr. Webster moved, and Ms. Chamberlin seconded, that the Commission accept the staff recommendation calling for a waiver of 80 percent of the \$500 penalty fee accrued. Ms. Adams was present and represented herself. She claimed full responsibility for the error, admitting that she had failed to communicate the transaction to her treasurer in a timely fashion. At that, the Commission voted 2-3-1 on the pending motion, Ms. Chamberlin and Mr. Webster voting in the affirmative, Ms. Riley, Mr. McArthur and Mr. Madore voting in the negative, and Mr. Morton abstaining. The motion having failed, Mr. Madore moved, and Mr. Morton seconded to assess a penalty of \$250. The vote carried 6-1, Ms. Chamberlin voting in the negative.

At that point, Mr. Ralph Coffman rose to address the Commission, inquiring as to why his complaint dated 9/23/94 was not on the agenda. The Chair explained that the rules require the Commission to notify the subject of a complaint of the date and time the complaint is to be aired; that the staff had not had sufficient time to send such notice; that the matter would be reviewed by the Commission at its next regularly scheduled meeting; and that the staff would notify Mr. Coffman of the date and time of that meeting in due course.

Next, the Commission voted to remove from the table two separate, but similar, requests for advisory opinions. The first was that of Mr. Patrick Poor of Advantage Communication, Inc. Mr. Poor inquired as to whether commissions earned by a political party as the result of a business arrangement are contributions under Maine law. The second inquiry was that of Joan Kierstead, Treasurer of the Lincoln County Democratic Committee. Ms. Kierstead asked whether earnings of a party derived from paid ads that are solicited by the party and published in a guide distributed by the Maine Publicity Bureau are contributions under Maine law. After a lengthy discussion, Mr. Morton moved, and Mr. Madore seconded, to advise both Mr. Poor and Ms. Kierstead that payments to the party in the situations described would not be considered contributions as defined in 21-A Section 101.2(2) (A) (1) because the purpose of the person making the payment was to obtain a service, not to influence the nomination or election of any person to office. The vote carried 3-1-1.

Next, the Commission discussed the contents of a draft policy intended to guide Commission staff members with regard to their involvement in political activities. Mr. Webster moved, and Mr. Madore seconded, to table the item pending review of the draft by Counsel Howard. The motion carried.

The Commission then ruled on the lateness of pre-primary reports of state and county candidates and political action committees. On motion of Mr. Madore, seconded by Mr. Webster, the Commission voted to grant the following waivers and to assess the following penalties on the basis of the findings and recommendations presented.\*



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

\*NOTE: Such recommendations are generally based on the level of spending, the candidate's prior record, and the number of days late.

Penalties accrued by the following candidates were forgiven on the basis that the candidates collected/spent no money:

<b>Name</b>	<b>Business days late</b>
Bruce Avery	1
Clayton Fowlie	3
Peter Hazlett	13
Gene Kenniston	4
Patrick Larson	42
Douglas Libby	5
Philip Rondeau	3

The penalties of the following candidates were partially waived as follows:

<b>Candidate Name</b>	<b>Business days</b>	<b>Penalty accrued</b>	<b>Penalty assessed late</b>
William Blodgett	4	\$200	\$10
John Cleveland	1	\$50	\$25
Glenith Gray	2	\$100	\$50
Glenn Greenhalgh	1	\$50	\$10
Norman Nelson	1	\$50	\$10
Rochelle Pingree	1	\$50	\$25

The following candidates were assessed the maximum penalty accrued:

<b>Candidate Name</b>	<b>Business days</b>	<b>Penalty late</b>
Thomas Mangan	3	\$150
Christopher Muse	1	\$50

Penalties accrued by the following political action committees were forgiven on the basis that the committees collected/spent no money during the filing period:

<b>Name</b>	<b>Business days late</b>
Citizen Against New Taxes	2
Maine Bikers PAC	2
Pinetree PAC	3
Women's Leadership Campaign	4



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

The penalties of the following PACs were partially waived as follows:

<b>PAC Name</b>	<b>Business days</b>	<b>Penalty accrued</b>	<b>Penalty assessed late</b>
Harness Racing Industry	4	\$1,000	\$100
Maine UAW PAC Council	2	\$500	\$100
Equal Protection Maine	4	\$1,000	\$200
Pharmacists of Maine PAC	2	\$500	\$350

A penalty of \$250 was assessed Maine Standard PAC on the basis that the PAC's pre-primary report is still outstanding.

A \$400 penalty accrued by the PAC to end all PACs was waived on the basis that the PAC is inactive with no means to liquidate its debts and its lone officer cannot locate the treasurer.

The Commission then ruled on the lateness of post-primary filings of state and county candidates and political action committees. On motion of Mr. Webster, seconded by Mr. Madore, the Commission voted to grant the following waivers and to assess the following penalties on the basis of the findings and recommendations presented:

Penalties accrued by the following candidates were forgiven on the basis that the candidates collected/spent no money.

<b>Name</b>	<b>Business days late</b>
Robert Cox	11
Glenn Greenhalgh	19
Stephen Stimpson	28

A penalty of \$60 was assessed Thomas Mangan who filed 12 business days late.

The staff was then directed to contact Frederick Moore III whose report is still outstanding and to offer him a partial waiver of the \$450 penalty accrued if he files the report within 10 days of the date of the notice.

A penalty of \$150 was assessed NARAL PAC whose report was filed 4 days late.

The Commission then ruled on the late reports of new nominees chosen to fill a vacancy. On motion of Mr. Webster, seconded by Mr. Madore, the Commission voted to grant the following waivers and to assess the following penalties on the basis of the findings and recommendations presented:

Penalties accrued by the following candidates were forgiven on the basis that the candidates have collected/spent little or no money; and because, as new nominees, they have had little chance to fully digest campaign finance literature.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**Name Business days late**

Joan Jordan 4  
Kevin Mower 8  
Raynold Theriault 4

The Commission next ruled on the lateness of semiannual reports of state and county candidates who were involved in a prior election. Pursuant to 21-A MRSA Section 1017(3-A), such candidates must show the disposition of any surplus or deficit of more than \$50 remaining after an election. On motion of Mr. Madore, seconded by Ms. Riley, the Commission voted to grant the following waivers and to assess the following penalties on the basis of the findings and recommendations presented:

<b>Candidate Name</b>	<b>Business days Late</b>	<b>Penalty accrued</b>	<b>Penalty assessed</b>
Robert Cummings	7	\$70	\$10
Carl Hansen	7	\$70	\$10
Michael Hepburn	6	\$60	\$5

The staff was directed to contact the following candidates whose reports are still outstanding and to offer each a partial waiver of the penalty accrued if they file the required report within 10 days:

<b>Name</b>	<b>Penalty accrued</b>	<b>Amount to be waived</b>
Raymond Faulkner	\$500	\$400
Gary Moore	\$500	\$400
Jeffrey Bellwood	\$500	\$400

A penalty of \$500 was assessed Mr. Zachary Matthews for the delinquency of his July semiannual report. The maximum penalty was assessed on the basis that the report is still outstanding and that Mr. Matthews has consistently missed filing deadlines during the last four years.

Next, the Commission reviewed late party committee filings. Partial waivers were granted where the Committee received no prior notification of the filing requirement. It was moved, seconded, and voted to assess the following penalties:

<b>Party Name</b>	<b>Business days late</b>	<b>Penalty accrued</b>	<b>Penalty Assessed</b>
York County Republican	1	\$10	\$10
Knox County Democratic	2	\$20	\$20
Aroostook County Repub	8	\$80	\$80
Lincoln County Democratic	4	\$40	\$20

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

Maine Democratic State	5	\$50	\$50
Oxford County Republican	5	\$50	\$50
York Town Republican	1	\$10	\$5

Next, the Commission considered late 48-hour reports. Ms. Riley made a motion to assess 25 percent of the penalty accrued with regard to the following candidates. The motion was seconded and voted; Mr. Webster abstaining with regard to the penalty assessed Judith Foss:

Candidate Name	Business days late	Penalty accrued	Penalty assessed
Richard Barringer	1	\$50	\$12.50
Judith Foss	1	\$50	\$12.50
Susan E. Dore	1	\$50	\$12.50
Paul Young	2	\$100	\$25.00

Next, the Commission reviewed the requests of certain registers lobbyists that the penalties assessed them for late filings be waived. Where a second violation was involved, the request was denied. It was moved, seconded, and voted, Mr. Webster abstaining with regard to the request of Mr. Stephen A. Johnson, to grant/deny the requests of the following lobbyists on the basis of the findings and recommendations presented:

Name of Lobbyist/Employer	Penalty accrued	Amount waived	Amount assessed
Richard S. Cohen	\$100	\$50	\$50
Lynne Fritter	\$200	\$100	
Katherine Fullam	\$100	\$50	\$50
Michelle Gardner	\$100	\$100	-0-
Susan Guiterman	\$100	\$50	\$50
	\$100	-0-	\$100
Stephen A. Johnson	\$100	\$50	\$50
Bruce Krown	\$100	\$50	\$50
Alfred Minahan	\$100	\$50	\$50
Laurel Nelson	\$100	\$50	\$50
Danny Quillen	\$100	-0-	\$100
Richard Silkwan	\$100	\$50	\$50
B. Dean Stearns	\$100	\$50	\$50
Tureen & Sample	\$100	\$50	\$50
Weil & Howe	\$2,200	\$1,600	\$600
Peter Wright	\$109	\$50	\$50

On motion of Mt. Madore, seconded by Mr. McArthur, the Commission rejected a staff recommendation calling for waiver of \$650 of the \$800 penalty accrued by lobbyist Joseph Mackey, and voted unanimously to assess Mr. Mackey a penalty fee of \$400.



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

The Commission then considered the May filings of lobbyist Mary Mayhew. Findings indicated that Ms. Mayhew failed to sign the reports as required by 3 MRSA Section 317. In light of the fact that Ms. Mayhew, herself, had taken the initiative to remedy the matter, the Commission voted unanimously to accept the reports as timely filed.

Next, the Commission considered lobbyist Maureen Glasheen's request for a waiver of penalties totaling \$1,200 which she had accrued as a result of late filings. Findings indicated that Ms. Glasheen's lobbying consisted of one presentation to a Joint Standing Committee of the Legislature. The Commission voted to waive the penalty in light of the fact that Ms. Glasheen had conducted little lobbying activity. The Commission then discussed Ms. Glasheen's request for guidance as to whether she must file an additional joint lobbyist/employer registration with Mr. Avery Caldwell. Mr. Webster moved, and Mr. Madore seconded, to direct the staff to advise Ms. Glasheen that since Mr. Caldwell had paid for her travel expenses, he would appear to fit within the definition of "employer" contained in 3 MRSA Section 312-A(5) and thus a joint lobbyist registration is required. The motion carried.

At that point, Ms. Riley left the meeting.

The next item considered was the complaint of Mr. David Crook against Pamela Ames. Mr. Crook alleged that Ms. Ames had not filed a committee designation; that certain political ads supporting her candidacy did not contain a disclaimer; and that she had failed to report expenses associated with publishing the ads. Mr. Morton voted, and Mr. Madore seconded, to dismiss the case on the basis of the evidence presented; i.e., that Ms. Ames did not have an authorized political committee; that the deficiency in Ms. Ames' disclaimer was the fault of the newspaper, not Ms. Ames; and that Ms. Ames (campaign finance reports appeared to be in order. The motion carried.

The complaint of Nancy Chizmar against Robert Berube was then considered. Ms. Chizmar alleged that a letter sent by Mr. Berube to voters in District #84 did not contain a disclaimer. Mr. Morton moved, and Mr. Madore seconded, to assess no penalty on the basis of the findings presented; i.e., that Mr. Berube, after receiving notification from the Commission, had written a second letter to the recipients of the first, informing them who had authorized and paid for the communication. The motion carried.

Next, the Commission considered the complaint of Heidi Wood against Julie Winn. Ms. Wood alleged that Ms. Winn had mailed out campaign letters containing no disclaimer. On the evidence provided, which included a copy of the letter in question, Mr. Madore moved, and Mr. Webster seconded, to assess a penalty of \$100 against Ms. Winn. The motion carried.

The Commission then considered a complaint brought by staff concerning an anonymous flier alleged to have been distributed throughout Waterville, Augusta, and Fairfield. The flier, advocating the defeat of candidate David Crook, did not contain a statement indicating who authorized and paid for it. Mr. Madore moved, and Mr. Webster seconded, to refer the matter to the Attorney General's office for investigation. The motion carried.



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

Next, at the request of a state candidate, the Commission voted to exempt business cards from the disclaimer requirement.

The Commission then considered the complaint of Al Greenier against candidate David Crook. Mr. Greenier claimed that many of Mr. Crook's yard signs did not contain a disclaimer required by 21-A MRSA Section 1014. Mr. Madore moved, and Mr. Webster seconded, to assess no penalty on the basis of findings presented; i.e., that Mr. Crook had dispatched a number of campaign workers to ensure that each sign was stamped with the appropriate disclaimer after receiving notification from the Commission. The motion carried.

Next, the Commission considered the request of Representative George Townsend for guidance as to whether he should report as an in-kind contribution/expenditure the services of a vendor who has accepted no payment for his services, because the vendor was dissatisfied with the quality of his product. On motion of Mr. Webster, seconded by Mr. Morton, it was voted to advise Representative Townsend that the services rendered are deemed an in-kind contribution/expenditure and must be reported as such at the fair market value of those services.

The next request considered was that of candidate Daniel Lake Smiley who asked whether there were legal prohibitions against his accepting an in-kind contribution in the form of printed campaign fliers, if the vendor making the contribution places an advertisement for the vendor's business on the reverse side of the flier. On motion of Mr. Morton, seconded by Mr. Webster, the Commission voted unanimously to direct the staff to notify Mr. Smiley that the law did not prohibit such a transaction, but that the contribution/expenditure must be duly reported at the fair market value of the service rendered.

The request of a campaign treasurer was then considered. The treasurer inquired as to whether an individual who pledges to contribute \$1,000 before the primary, and makes another such pledge after the primary, may write a check for \$2,000 after the primary election to honor those pledges, without exceeding the contribution limitations. Mr. McArthur moved and Mr. Webster seconded, to advise the treasurer that such a transaction was permissible under 21-A MRSA Section 1012(2)(A)(2), which states that a contribution is a contract, promise or agreement, expressed or implied, to make a contribution.

Next, the Commission considered the request of the Director for guidance on the question whether both the candidate and the treasurer must sign campaign finance reports. It was the opinion of the Commission that both must sign Pursuant. to the provisions of 21-A MPSA Section 1016 and 21-A MRSA Section 1017(5).

The next item considered was the request of Representative Glenith Gray for an advisory opinion on a potential conflict of interest. By letter, Ms. Gray stated that she had provided professional services at no charge to an acquaintance, something she does quite frequently; that the beneficiary of the services subsequently sent her a gift certificate as an expression of gratitude. Representative Gray inquired as to whether she could appropriately accept the certificate without violating the gift laws. Mr. Madore moved, and Mr. Webster seconded, to advise Representative Gray that, in the opinion of the Commission, no conflict existed in this instance as the gift in





STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

question was not made for the purpose of influencing any legislation or to influence Representative Gray in the performance of her duties as a legislator. The motion carried.

Next, the Commission voted to remove from the table the question of whether the Commission should establish a policy concerning the political activity of Commission members. Mr. Webster moved, and Mr. Madore seconded to refer the matter to the subcommittee established to review the Commission's jurisdiction.

The Director then introduced new staff member Faith Markham. Mr. Webster moved, and Mr. Madore seconded, to ratify the Director's action in hiring Ms. Markham. The motion carried.

A motion was then made by Mr. Madore to approve the revised lobbyist disclosure forms subject to any changes that counsel may deem fitting. Mr. Webster seconded, and the motion carried.

There followed a brief discussion of a letter from Mr. James Keil, the Director of the Bureau of General Services, informing the Commission that its offices will be moved to a new location. Also reviewed was a summary of the terms Mr. Keil had agreed to in discussing the move with the Chair and the Director. Mr. McArthur moved that a copy of the summary be forwarded to Mr. Keil. The motion was seconded and voted.

The Commission then reviewed a list of candidates who have failed to file a statement of sources of income required by 1 MRSA Section 1016-C. Ms. Canavan pointed out that there is no penalty for failure to file the statement; whereupon, it was suggested that this issue might be properly addressed by the subcommittee of the Commission.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Marilyn Canavan, Director